

### Remarks

Entry of this Amendment and allowance of all pending claims are respectfully requested. Claims 1, 3-10, 30, 32-39 & 63 remain pending.

By this paper, independent claims 1, 30 & 63 are amended to further specify certain aspects of Applicants' recited invention. In these independent claims, Applicants recite that the client monitor application request *jobs information on computer jobs in a queue having a user selected state of execution, wherein computers in the queue are in any one of a plurality of possible states of execution*. Additionally, Applicants recite in the independent claims that the monitoring server application *collects jobs information on a set of computer jobs in the queue having the user selected state*. The JobsTracker information includes jobs data on each computer job of the set of computer jobs having the user selected, tracked job state. Further, the client monitor application then employs or displays the jobs information for the set of computer jobs in the queue having the user selected state. Support for the amended claim language can be found throughout the application as filed. For example, reference FIGS. 1-3 & 8, as well as paragraphs [0022] – [0028] & [0073] – [0079]. No new matter is added to the application by any amendment presented.

In the Office Action, claims 1, 3-10, 30, 32-40 & 63 were rejected under 35 U.S.C. §103 as being unpatentable over Archbold (U.S. Patent No. 6,604,124; hereinafter Archbold) or Boucher et al. (U.S. Patent No. 6,976,007; hereinafter Boucher) in view of Freund (U.S. Patent No. 6,076,174; hereinafter Freund). This rejection is respectfully, but most strenuously, traversed to any extent deemed applicable to the claims presented herewith, and reconsideration and withdrawal thereof are requested.

An “obviousness” determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claimed subject matter as a whole, the Federal Circuit has expressly mandated that functional claim language be considered in evaluating a claim relative to the prior art. Applicants respectfully submit that the application of these standards to the independent claims presented leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based on the applied patents. Specifically, numerous aspects of

Applicants' amended independent claims 1, 30 & 63 are not taught or suggested by Archbold, Boucher or Freund, either alone or in combination.

Applicants' invention is directed, in one aspect, to a computer-implemented facility for monitoring jobs in a queue of a distributed computer system. As recited in the method of claim 1, the invention includes: responsive to a request by a client monitor application for jobs information on computer jobs in a queue *having a user selected state of execution*, collecting by a monitoring server application jobs information on *a set of computer jobs* in the queue having the user selected state, the jobs information including JobTracker information for the set of computer jobs, *the JobTracker information including jobs data on each job of the set of computer jobs having a user selected, tracked job state, and, for each job having the tracked job state, a time of entering the tracked job state*; and employing or displaying, by the client monitor application, the jobs information for the set of computer jobs in the queue having the user selected state. Applicants respectfully submit that numerous aspects of their method of monitoring computer jobs are simply not taught or suggested by Archbold, Boucher and/or Freund.

Archbold describes systems and methods for automatically managing workflow based on tracking job step completion status. More particularly, Archbold relates to processes and a system for automatic electronic document processing. One application of Archbold involves transcription, including automated assignment of jobs to widely scattered individual scribes, automated management of billing information, and providing for scribe queries of authors. Another application of the Archbold teachings includes multimedia and electronic file creation, allowing authors to create multimedia documents even though the authors are interacting with the system solely through a standard telephone connection. (See column 1, lines 15-27 of Archbold.)

Boucher describes a tracking system and method using a multi-threaded controller to automatically and periodically generate tracking objects that are presented to carrier tracking websites. The tracking objects are retrieved from input queries that receive tracking requests from a scheduler. A carrier tracking website updates the status of package delivery which in turn updates the data in the shipping system server with respect to tracking information. This updated information can be used to automatically generate e-mail notification of package delivery as well

as for updated purposes. An instant tracking component allows a user to obtain prioritized tracking information from the associated carrier tracking website. (See Abstract of Boucher.)

Initially, Applicants respectfully traverse the characterization of the teachings of Archbold and/or Boucher at the bottom of page 2 of the Office Action, wherein it is stated that:

The differences between the above and the claimed invention is in use of specific terminology. It is noted that it is believed that the disclosed trackings are functionally equivalent to the claimed limitations.

This conclusion is believed erroneous, particularly with respect to the amended independent claims presented herewith.

For example, Applicants' independent claims recite:

1. *responsive to a request by a client monitor application for jobs information on computer jobs in a queue having a user selected state of execution,*
2. *collecting by a monitoring server application jobs information on a set of computer jobs in the queue having the user selected state,*
3. *the jobs information including JobTracker information for the set of computer jobs having the user selected state of execution, the JobTracker information including jobs data on each computer job of the set of computer jobs having the user selected, tracked job state,*
4. *the jobs data including, for each job having said tracked job state, a time of entering the tracked job state, and*
5. *employing or displaying, by the client monitor application, the jobs information for the set of computer jobs in the queue having the user selected state.*

In accordance with Applicants' recited invention, a request is made by a client monitor application for jobs information on computer jobs, disposed in a queue of a distributed computer system, having a user selected state of execution. The monitoring server application collects jobs information for the set of computer jobs in the queue having the user selected state. This jobs information includes JobTracker information that comprises jobs data on each computer job of the set of computer jobs having the user selected tracked job state. Further, for each job having the tracked job state, a time of entering the tracked job state is provided. In the amended claims presented, the computer jobs in the queue are in any one of a plurality of possible states of execution. By way of example, claims 3 & 32 set out particular states of execution.

Since neither Archbold nor Boucher relate to tracking computer jobs in a distributed processing system *per se*, numerous aspects of Applicants' invention simply are not taught or suggested by these patents. For example, Applicants recite that a client monitor application requests jobs information on computer jobs in a queue having the user selected state of execution. Neither Archbold nor Boucher describe computer jobs in a queue, let alone a facility for a client monitor application to request jobs information for jobs in the queue having a particular selected state of execution. Archbold is monitoring electronic scribes, while Boucher is monitoring packages.

Additionally, Applicants' independent claims recite collecting by the monitoring server application jobs information for a set of computer jobs in the queue having the user selected state. Thus, Applicants' recited invention tracks *states of computer jobs* in the queue of the distributed computer system. No similar facility is provided by Archbold or Boucher. Both Archbold and Boucher are concerned with tracking scribes/packages themselves, and do not describe a facility for collecting jobs information on a *set of computer jobs* in a queue having *the user selected state*.

Still further, the independent claims recite that the JobTracker information includes for each computer job of the set of computer jobs having the user selected state, *a time of entering the tracked job state*. As recited in the independent claims, the computer jobs in the queue are respectively in any one of a plurality of possible states of execution.

Freund is cited in the Office Action at pages 2 & 3 in an apparent acknowledgement that Archbold and Boucher do not teach or suggest all of Applicants' recited functionality. The Office Action indicates that Freund " ... show performance characteristics of a job in real time." This characterization of the teachings of Freund is respectfully traversed. FIG. 2 of Freund refers to "performance characteristics database 206". At column 3, line 22 – column 4, line 13, Freund teaches that the performance characteristics database 206 contains a set of machine data which includes site objects, machine objects, model objects, model machine objects, and override objects, each of which is defined at columns 3 & 4 of Freund. In reviewing these definitions, Applicants respectfully submit that it is clear that the material at issue relates to the performance characteristics of the machine itself, and not to any job being executed by the machine. Based on this, Applicants respectfully submit that the Office Action mischaracterizes the teachings of Freund in asserting that Freund teaches monitoring performance characteristics on a job in real time.

Additionally, Applicants respectfully submit that Freund does not teach or suggest any of the above-noted deficiencies of Archbold and Boucher when applied against the independent claims presented herewith. Specifically, Freund does not describe a request by a client monitor application for jobs information on computer jobs in a queue having a user selected state of execution (wherein the computer jobs in the queue are in any one of a plurality of possible states of execution). Further, Freund does not describe collecting by a monitoring server application jobs information on a set of computer jobs in the queue having the user selected state. Still further, Freund does not describe that the jobs information includes JobTracker information for the set of computer jobs, wherein the JobTracker information includes job data on each computer job of the set of computer jobs having the user selected, tracked job state, and for each job in the queue having the tracked job state, a time of entering the particular tracked job state.

For at least the above-noted reasons, Applicants respectfully request reconsideration and withdrawal of the obviousness rejection to the independent claims presented herewith based upon Archbold or Boucher in view of Freund.

Further, it is respectfully submitted that the Office Action fails to state a *prima facie* case of obviousness against Applicants' independent claims, and particularly against the independent claims as amended. A careful reading of pages 2 & 3 of the Office Action, and the Archbold, Boucher and Freund patents fails to uncover any teaching or suggestion of a facility as recited by Applicants in the independent claims wherein the collected jobs information on computer jobs in the queue of a distributed system includes jobs data on each computer job of the set of computer jobs having the user selected, tracked job state of the plurality of possible job states. Since the Office Action does not address this characterization, Applicants it is submitted that the rejections fails to state a *prima facie* case of obviousness.

Still further, Applicants respectfully submit that as amended, the independent claims presented clearly patentably distinguish over the known art. In Applicants' invention, the collection of computer jobs information is such that the JobTracker information includes jobs data on each job having the user selected, tracked job state, and for each job having the user selected, tracked job state, a time of entering the tracked job state. As noted above, the computer jobs in the queue can be in any one of a plurality of possible job states. As recited in dependent claims 3 & 32, the tracked job states may be selected by a user from a predefined list of job states, including, a list containing the states of "waiting", "running", "pending" and "held". Thus, in accordance with Applicants' invention, a user can select a tracked job state comprising "held", for example, and the facility automatically collects jobs information on each computer job in the queue of the distributed system which is currently in the "held" job state, and for each job in the "held" job state, provides a time that the job entered the "held" job state. Clearly, Archbold or Boucher in combination with Freund provide no teaching or suggestion of such a facility.

Still further, Applicants traverse the combinability of Archbold or Boucher in view of Freund to the extent the Office Action alleges that the combination teaches the functionality of Applicants' recited invention, and in particular, Applicants' characterization that the collected jobs information includes JobTracker information which includes jobs data on each computer job having a user selected, tracked job state in the queue of the distributed computer system, and for each user selected, tracked job state, and for each computer job having the user selected, tracked job state, a time of entering the tracked job state within the queue. Without acquiescing to the

rationale for combining the documents, Applicants note that if Freund is combined with Archbold or Boucher as proposed, their recited invention would still not have been taught or suggested by the combination. Neither Archbold, Boucher or Freund discloses any process for collecting job state information on each computer job in a queue having a user selected, tracked job state *per se*. Further, neither patent provides such information in addition to a time that each computer job in the queue having the tracked job state entered the tracked job state. Thus, Applicants respectfully submit that the combination of Archbold, Boucher and/or Freund would still not teach one skilled in the art their recited functionality for monitoring jobs in a queue of a distributed computer system. As such, reconsideration and withdrawal of the obviousness rejection is requested.

For at least the above-noted additional reasons, Applicants respectfully submit that the independent claims patentably distinguish over the teachings of Archbold, Boucher and/or Freund. Reconsideration and withdrawal of the obviousness rejection based thereon is therefore respectfully requested.

The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations. Further, with respect to the dependent claims, Applicants respectfully submit that the Office Action fails to state a *prima facie* case of obviousness against the further characterizations recited therein.


By way of example, claims 3 & 32 recite that the user selecting of the tracked job state is from a predefined list of job states, and that the predefined list includes *at least some states of* “waiting”, “running”, “pending” and “held”. In rejecting this subject matter, the Office Action references Archbold or Boucher and indicates that “performance measures require pre-defined rating levels”. Without acquiescing to this statement, Applicants respectfully submit that the statement does not mean that the particular states recited in these dependent claims is inherent in Archbold or Boucher. For example, a package delivery system might simply track whether the package has been delivered or not delivered. As such, reconsideration and withdrawal of the rejection to dependent claims 3 & 32 is respectfully requested.

Dependent claims 4-10 & 33-39 are simply grouped together in the Office Action, and it is asserted that all of the functionality recited therein is equivalently taught in Archbold and/or Boucher at the particular lines and figures referenced. This conclusion is respectfully, but most strenuously, traversed. Numerous aspects of these dependent claims recite specific functionality that is simply not analogous to anything in the teachings of Archbold and Boucher. Archbold and Boucher in fact have nothing to do with these dependent claims at issue. Should the Examiner believe otherwise, Applicants request that a detailed explanation of the rejection for each claim presented be provided in order that Applicants may more clearly address the rejection.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

The application is believed to be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

  
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